

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FELIX PICHARDO,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 1:17-cv-07439(FB)(SJB)

EL MISMO RINCON LATINO CORP.,
doing business as RINCON LATINO,

Defendant.

Appearances:

For the Plaintiff

NOLAN KEITH KLEIN
Law Office of Nolan Klein, P.A.
39 Broadway, Ste. 2250
New York, NY 10006

For the Defendant

BLOCK, Senior District Judge:

On August 7, 2018, Magistrate Judge Sanket J. Bulsara issued a Report and Recommendation (“R&R”) recommending that plaintiff’s motion for default judgment be granted in this action for violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”), and that the Court enter judgment in favor of the plaintiff in the amount of \$7,534.89 in unpaid overtime wages, \$2,832.14 in unpaid minimum wages, \$10,367.03 in liquidated damages, \$10,000 in statutory damages, \$2,452.50 in attorney’s fees, and \$490 in costs, for a total amount of \$33,676.56, plus prejudgment interest. The R&R instructed that “[a]ny objections

to the Report and Recommendation above must be filed with the Clerk of the Court within 14 days of receipt of this report. Failure to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation.” R&R at 26-27. No objections have been filed to date, and defendant’s opportunity to object has passed.

Where there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court must conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review. Judgment is entered against the defendant in the above amount.

SO ORDERED.

/s/ Frederic Block

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
August 28, 2018